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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,156	11/19/2001	Toru Owada	TSM-17	8169

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MATTINGLY, STANGER & MALUR, P.C.
ATTORNEYS AT LAW
SUITE 370
1800 DIAGONAL ROAD
ALEXANDRIA, VA 22314

EXAMINER

BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/988,156	Applicant(s) OWADA ET AL.	
	Examiner Christopher J. Brown	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/09/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant argues that Meffert US 2002/0059144 encrypts the “entire contents” and directs the examiner’s attention to Figure 6 which states “All Audiovisual frames” are encrypted. The applicant is asserting that the encrypted content of Meffert is all of the digital content presented by Meffert. This is not the case. Meffert teaches an Mp3 file, all of which is considered digital content. The portion of Meffert that remains unencrypted is not only the header and tags, but also an audio message that a user may play without decrypting the rest of the contents (Fig 6). This audio message and tags are objects of an audiovisual sense, and the MP3 is divided into a plurality of blocks, one of which is encrypted and the rest of which are unencrypted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7, 10, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke US 2003/0005285 in view of Meffert

As per claims 2-4, and 10, Graunke teaches a distribution system for media, [0013].

Graunke teaches digital content distributing system having digital content and encrypting

it with a first shared key with a processing apparatus, [0014], [0016], [0028]. Graunke teaches decrypting the data at a processing apparatus and reencrypting the data with a second shared key with the output device, [[0020], [0021], [0028]. Graunke teaches the output device decrypts and displays the digital content. [0028]. Graunke fails to teach an encrypted file with an unencrypted portion.

Meffert teaches encrypting a content file while leaving a portion unencrypted, [0101], [0102], [0103], Fig 6. It is well known that an mp3 file is of an audiovisual sense. Meffert teaches the separate blocks of the file one of which is encrypted and some of which are not encrypted, Fig 6.

It would have been obvious to one of ordinary skill in the art to include Meffert's unencrypted portion to identify the file and find information on how to obtain it.

As per claim 7, Graunke-Meffert teaches the output unit is a sound reproducing unit, and the data is encrypted audio data, [Graunke 0014], [Graunke 0021].

As per claims 5, 6, 13, and 14, Graunke teaches a distribution system for media, [0013]. Graunke teaches digital content distributing system having digital content and encrypting it with a first shared key with a processing apparatus, [0014], [0016], [0028]. Graunke teaches decrypting the data at a processing apparatus and reencrypting the data with a second shared key with the output device, [[0020], [0021], [0028]. Graunke teaches the output device decrypts and displays the digital content. [0028]. Graunke teaches

distributing a variety of content [0014]. Graunke fails to teach an encrypted file with an unencrypted portion.

Meffert teaches encrypting a content file while leaving a portion unencrypted, [0101], [0102], [0103], Fig 6. It is well known that to encrypt a block that encryption is controlled. It is well known that an mp3 file is of an audiovisual sense.

It would have been obvious to one of ordinary skill in the art to include Meffert's unencrypted portion to identify the file and find information on how to obtain it.

Claims 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke US 2003/0005285 in view of Meffert US 2002/0059144 in view of Van Eck US 4,669,117.

As per claims 8 and 11, Graunke-Meffert teaches encrypting video [Graunke 0014]. It is well known that to encrypt a block that encryption is controlled. Graunke-Meffert fails to teach encrypting by line or column.

Van Eck teaches encrypting video by line, (Col 1 lines 56-60, Claim 3).

It would have been obvious to one of ordinary skill in the art to combine the video of Graunke-Meffert by column so that the output device would be protected against illicit looking at the display, (Van Eck Col 1 lines 50-54).

Claims 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke US 2003/0005285 in view of Meffert US 2002/0059144 in view of Virga US 5,321,749.

As per claims 9 and 12, Graunke-Meffert teaches encrypting video [Graunke 0014]. It is well known that to encrypt a block that encryption is controlled. Graunke-Meffert fails to teach encrypting by pixel.

Virga teaches encrypting video by pixel, (Col 10 lines 40-46).

It would have been obvious to one of ordinary skill in the art to encrypt the video of Graunke-Meffert by the pixel method of Virga because the encrypted pixels obfuscate the video.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher J. Brown



4/17/07



KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER